


cc: P. Mannino
10/5/05

 <p>United States Environmental Protection Agency Washington, DC 20460</p> <p>Interagency Agreement</p> <p>Amendment</p> <p>Part 1 - General Information</p>	1. EPA IAG Identification Number DW-96-94206301 - 0	4. Funding Location by Region EPA R2							
	2. Other Agency IAG ID Number	5. Program Office Abbreviation Region 2							
	3. Type of Action New								
6. Name and Address of EPA Organization US Environmental Protection Agency Emergency and Remedial Response Division 290 Broadway New York, New York 10007-1866 DUNS: 029128894	7. Name and Address of Other Agency Corps of Engineers-Omaha District HTRW CX 12565 West Center Road Omaha, NE 68144-3869 DUNS: DOD9623AC								
8. Project Title and Description Cornell-Dublier Electronics, OU1, Remedial Action Remedial Action Activities at the Cornell-Dublier, Operable Unit 1, Superfund Site, South Plainfield, New Jersey.									
9. EPA Project Officer (Name, Address, Phone Number) Shaheer Alvi Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866 212-637-4324	10. Other Agency Project Officer (Name, Address, Phone Number) Marvene Seaman USACE, HTRW-CX 12565 West Center Road Omaha, NE 68144-3869 402 697-2425								
11. Project Period 09/30/2005 to 12/31/2007	12. Budget Period 09/30/2005 to 12/31/2007								
13. Scope of Work This agreement obligates \$400,000 to the U.S. Army Corps of Engineers-New York District for remedial action activities at the Cornell-Dublier Electronics, OU1, Superfund site (EPA ID: NJD981557879). The USACE and USEPA will utilize the Revised Reimbursable and Direct Fund Cite payment method. Revised Reimbursable (in-house) \$ 45,000 Direct Fund Cite (contractor) \$355,000 <div style="text-align: right; border-top: 1px solid black; width: 100px; margin-left: 150px;">\$400,000</div> See Attachment A for a detailed Scope of Work and Attachment B for Special Conditions. Pietro Mannino is the EPA RPM for this project and he can be reached at (212) 637-4395. EPA Grants Specialist for this IAG is Otto Salamon 212-637-3417									
14. Statutory Authority for Both Transfer of Funds and Project Activities CERCLA (PL 96-510) & SARA (PL 99-499); Executive Order 12580 as amended		15. Other Agency Type Federal Agency							
Funds	Previous Amount	Amount This Action	Amended Total						
16. EPA Amount		\$400,000	\$400,000						
17. EPA In-Kind Amount			\$0						
18. Other Agency Amount			\$0						
19. Other Agency In-Kind Amt.			\$0						
20. Total Project Cost		\$400,000	\$400,000						
21. Fiscal									
Site Name	DCN	FY	Approp.	Budget Org.	PRC	Object	Site/Project	Cost Org.	Obligation
CORENE LL	HE0305	05	T	2ADOR	302DD2C	2507	02GZRA01	C001	400,000
									400,000



Part II - Approved Budget		EPA IAG Identification Number DW-96-94206301 - 0
22. Budget Categories	Itemization of This Action	Itemization of Total Project Estimated Cost to Date
(a) Personnel	\$13,628	\$13,628
(b) Fringe Benefits	\$6,815	\$6,815
(c) Travel	\$2,000	\$2,000
(d) Equipment	\$0	\$0
(e) Supplies	\$0	\$0
(f) Procurement / Assistance	\$355,000	\$355,000
(g) Construction	\$0	\$0
(h) Other	\$8,000	\$8,000
(i) Total Direct Charges	\$385,443	\$385,443
(j) Indirect Costs: Rate <u>71.21%</u> Base <u>\$20,443.00</u>	\$14,557	\$14,557
(k) Total (EPA Share 100.00 %) (Other Agency Share 0.00 %)	\$400,000	\$400,000

23. Is equipment authorized to be furnished by EPA or leased, purchased, or rented with EPA funds? ☐ Yes ☒ No
(Identify all equipment costing \$1,000 or more)

24. Are any of these funds being used on extramural agreements? (See Item 22f.) ☒ Yes ☐ No

Type of Extramural Agreement ☐ Grant ☐ Cooperative Agreement ☒ Procurement

Contractor/Recipient Name (if known)	Total Extramural Amount Under This Project	Percent Funded by EPA (if known)
	355000	100
	Total \$ 355,000.00	

Part III - Funding Methods and Billing Instructions	
25. (Note: EPA Agency Location Code (ALC) - 68010727)	
<input checked="" type="checkbox"/> Disbursement Agreement <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Repayment <input type="checkbox"/> Advance </div> <input type="checkbox"/> Allocation Transfer-Out	<p>Request for repayment of actual costs must be itemized on SF 1080 and submitted to the Financial Management Office, Cincinnati, OH 45268-7002:</p> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Monthly <input type="checkbox"/> Quarterly <input type="checkbox"/> Upon Completion of Work </div> <p>Only available for use by Federal agencies on working capital fund or with appropriate justification of need for this type of payment method. Unexpended funds at completion of work will be returned to EPA. Quarterly cost reports will be forwarded to the Financial Management Center, EPA, Cincinnati, OH 45268-7002.</p> <p>Used to transfer obligational authority or transfer of function between Federal agencies. Must receive prior approval by the Office of Comptroller, Budget Division, Budget Formulation and Control Branch, EPA Hdqtrs. Forward appropriate reports to the Financial Reports and Analysis Branch, Financial Management Division, PM-226F, EPA, Washington, DC 20460.</p>
26.	
<input type="checkbox"/> Reimbursement Agreement <input type="checkbox"/> Repayment <input type="checkbox"/> Advance <input type="checkbox"/> Allocation Transfer-In	
Funding Agency's Treasury Symbol 68/20X8145 <input type="checkbox"/> One-Year <input type="checkbox"/> Two-Year <input checked="" type="checkbox"/> No-Year	
Other Agency's IAG Identification Number	EPA Program Office Allowance Holder/Resp. Center No. 27
Other Agency's Billing Address (include ALC or Station Symbol Number)	Other Agency's Billing Instructions and Frequency

Part IV - Acceptance Conditions

EPA Identification Number

DW-96-94206301 - 0

27. General Conditions

The other agency covenants and agrees that it will expeditiously initiate and complete the project for which funds have been awarded under this agreement.

28. Special Conditions (Attach additional sheets if needed)**Part V - Offer and Acceptance**

Note: 1) For Disbursement actions, the agreement/amendment must be signed by the other agency official in duplicate and one original returned to the Grants Administration Division for Headquarters agreements or to the appropriate EPA Regional IAG administration office within 3 calendar weeks after receipt or within any extension of time as may be granted by EPA. The agreement/amendment must be forwarded to the address cited in item 29 after acceptance signature.

Receipt of a written refusal or failure to return the properly executed document within the prescribed time may result in the withdrawal of offer by EPA. Any change to the agreement/amendment by the other agency subsequent to the document being signed by the EPA Action Official, which the Action Official determines to materially alter the agreement/amendment, shall void the agreement/amendment.

2) For Reimbursement actions, the other agency will initiate the action and forward two original agreements/amendments to the appropriate EPA program office for signature. The agreements/amendments will then be forwarded to the appropriate EPA IAG administration office for acceptance signature on behalf of the EPA. One original copy will be returned to the other agency after acceptance.

EPA IAG Administration Office (for administrative assistance)**EPA Program Office (for technical assistance)****29. Organization/Address**

US EPA R2
Grants and Contracts Management Branch
290 Broadway
New York, New York 10007-1866

30. Organization/Address

US Environmental Protection Agency
Region 2
Emergency and Remedial Response Division
290 Broadway
New York, NY 10007-1866

Certification

All signers certify that the statements made on this form and all attachments thereto are true, accurate, and complete. Signers acknowledge that any knowingly false or misleading statements may be punishable by fine or imprisonment or both under applicable law.

Decision Official on Behalf of the Environment Protection Agency Program Office**31. Signature****Typed Name and Title****Date**


George Pavlou, Director, Emergency and Remedial Response Division

9-28-05

Action on Behalf of the Environment Protection Agency

32. Signature**Typed Name and Title****Date**


Alan J. Steinberg, Regional Administrator

9/29/05

Authorizing Official on Behalf of the Other Agency

33. Signature**Typed Name and Title****Date**


Stuart Piken, P.E., Deputy District Engineer for Project Management

9/30/05

Scope of Work

REMEDIAL ACTION ACTIVITIES

SITE: Cornell-Dubilier Electronics
Middlesex County, New Jersey

EPA ID: NJD98155879

PURPOSE

The Interagency Agreement (IAG) between the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (EPA) is for remedial action activities at Operable Unit 1 (OU1) at the Cornell-Dubilier Electronics Superfund Site. The USACE will implement the remedial action at residential, commercial, and municipal properties located in the vicinity of the former CDE facility.

BACKGROUND

The Cornell-Dubilier Electronics (CDE) site is located at 333 Hamilton Boulevard, South Plainfield, Middlesex County, New Jersey. The former CDE facility, now known as the Hamilton Industrial Park, consists of approximately 26 acres containing 18 buildings that are currently used by a variety of commercial and industrial tenants.

CDE operated in South Plainfield from 1936 to 1962, manufacturing electronic components including, in particular, capacitors. Polychlorinated biphenyls (PCBs) and chlorinated organic solvents were used in the manufacturing process, and the company apparently disposed of PCB-contaminated materials and other hazardous substances directly on the facility soils. CDE's activities evidently led to widespread chemical contamination at the facility, as well as migration of contaminants to areas adjacent to the facility. PCBs have been detected in the groundwater, soils and in building interiors at the industrial park, at adjacent residential, commercial, and municipal properties, and in the surface water and sediments of the Bound Brook. High levels of volatile organic compounds (VOCs) have been found in the facility soils and in groundwater.

On September 30, 2003, EPA signed a ROD to address PCB contamination that is found on residential, commercial; and municipal properties in the vicinity of the former CDE facility (OU1). On September 30 2004, EPA signed a ROD to address contaminated facility soils and buildings (OU2). Final remedies to address the groundwater (OU3) and the Bound Brook (OU4) will

be presented in future Proposed Plans and RODs.

REMEDY

The major components of the selected remedy for OU1 include:

- excavation of an estimated 2,100 cubic yards of contaminated soil from approximately 16 properties, backfilling with clean fill, and property restoration as necessary;
- transportation of the contaminated soil off-site for disposal, with treatment as necessary;
- indoor dust remediation where PCB-contaminated dust is encountered; and,
- where necessary, temporary relocation of residents during the indoor remediation.

EPA's studies to date have identified four properties where actions need to be taken, and a study area of approximately 59 properties that require expanded soil and interior dust sampling to determine if additional properties require remediation. EPA has estimated that this sampling may identify as many as 12 additional properties, and the Selected Remedy takes into account the likelihood that some of these properties may require some degree of remedial response. In addition, the Selected Remedy requires a re-evaluation of the 13 residential properties where soil removal actions have already been performed, to ensure that those cleanups are consistent with the remediation goals established here.

WORK STATEMENT

The USACE will be responsible for:

1. Developing the technical statement of work and procuring the services of a private firm for the excavation of contaminated soil from *Addresses redacted.*
2. Supervising the contractor's performance of the excavation activities, including the off-site disposal of the soils.
3. Managing the contract for the CDE Remedial Action (RA) including any subsequent revisions to the original RA contract award.
4. Providing oversight and monitoring of excavation activities in coordination with the EPA Remedial Project Manager (RPM) to ensure compliance with all contract requirements. In addition, the USACE will provide weekly updates and meetings

at the site to discuss construction progress, problems, or any other pertinent issues.

5. Providing other support as directed by EPA such as technical assistance to include site access, permit assistance, community relations, and coordination.
6. Conducting final inspection and certification of the completed remedial action in coordination with the EPA RPM.
7. Submitting a Remedial Action Closeout Report for each of the properties with all backup documentation.
8. Complying with specific responsibilities as detailed in the Superfund Remedial Design and Remedial Action Guidance.
9. Reproducing documents.
10. Coordination of technical meetings for the discussion and resolution of comments.
11. Ensuring the deliverables are submitted and approved in a timely manner (RPM will provide submittal date requirements) in order to meet EPA's schedule requirements for remedial action implementation.

PROJECT ORGANIZATION

Pietro Mannino
U.S. Environmental Protection Agency Region II
Emergency and Remedial Response Division
290 Broadway, 19th Floor
New York, NY 1007-1866
(212) 637-4395

ATTACHMENT B

Special Conditions for Oversight of Remedial Action

The USACE agrees to meet the site-specific financial management and record keeping responsibilities contained in EPA's "Superfund Financial Management and Record keeping Guidance for Federal Agencies" (January 1989).

1. Cost Documentation Requirements

EPA acting as manager of the Hazardous Substances Superfund, requires current information on CERCLA response actions and related obligations of CERCLA funds for these actions. In addition, CERCLA, as amended, authorizes EPA to recover from responsible parties all government costs incurred during a response action. In order to help assure oversight and successful recovery of CERCLA funds, both USACE and EPA have responsibilities under this agreement. The USACE accounting systems reports must be supported by site and activity-specific cost documentation. The USACE will organize and retain in a site file documentation of costs by site and activity (e.g. vouchers, billing statements, evidence of payment, audit reports) as follows:

a. Direct Costs

- Payroll - time sheets or time cards to support hours charged to a particular site, including the signature of the employee and/or the employee's supervisor.
- Travel - travel authorizations (including purpose of trip), local travel vouchers, traveler's reimbursement vouchers, carrier bills (including airline tickets), government owned vehicle bills, appropriate receipts for hotel, car rental, etc., proof of payment. Proof of payment is satisfied by providing a copy of the accomplished SF1166 "Voucher and Schedule of Payment" or equivalent.
- Any other direct costs not included in the above categories.

b. Indirect Costs

If indirect costs are not calculated by the USACE accounting system, a worksheet showing calculations of indirect costs charged to a site will be retained by the USACE.

Under this IAG, the USACE certifies: 1) that any indirect costs included in billings to EPA represent, in accordance with GAO principles, indirect costs that are funded out of the performing agency's currently available appropriations and that bear a significant relationship to the performing of the service or work, or 2) that statutory authority exists for charging other than these costs of performance.

2. Reporting Requirements

- a. The USACE will provide monthly progress reports to the RPM listed on the IAG form containing:
- Report number, date of report, and reporting period
 - Site name and IAG number
 - Preparer name, phone number and email address
 - Summary of work performed since last report
 - Accounting of funds expended during the reporting period and on project to date, which includes budget category cost breakdown.
 - Estimate of the percentage of the project completed.
 - Accounting of funds expended during the reporting period and on the project to date, which includes budget category cost breakdown.
 - Summaries of all contracts with representatives of the local community, public interest groups or State government during the reporting period.
 - Summaries of all problems or potential problems encountered during the reporting period.
 - Projected work for the next reporting period.
- b. The USACE will submit a completed and signed Request for Reimbursement (SF1080) to the EPA Financial Management Center, 26 W. Martin Luther King Drive, Cincinnati, Ohio 45628, containing, as appropriate, USACE cost by budget category identified by site, site-specific account number, and IAG number.

Upon receipt of the USACE certified bills, CFMC processes payment to USACE. Payment will be made within 5 days of receipt and without certification by the EPA Regional program office except for final billings. The USACE project manager will provide a copy of the SF1080 billings clearly marked "copy" with the monthly status report to the EPA Region 2 Project Officer, Shaheer Alvi. If EPA detects any apparent discrepancies with the payment request, the problem shall be discussed and resolved with the USACE project manager. Any changes required to subsequent payment requests will be documented in a memorandum from the RPM to the USACE project manager.

3. Cost Recovery

In the event of a contemplated cost recovery action, the USACE will provide to EPA or the Department of Justice (DOJ) a cost documentation package detailing site-specific costs and including copies of the back up documentation. In some cases, these requests from EPA or DOJ may require that this documentation be provided in less than thirty days. If additional time is required to comply with a request, USACE will negotiate with EPA or DOJ a time frame for responding. USACE will provide EPA with a contact for obtaining necessary site-specific accounting information and documentation.

4. Record Retention Requirements

The USACE will retain the documents described in these "Special Conditions" for a minimum of ten years after submission of a final SF1080 for a site or sites, after which the USACE must obtain written permission from the authorized EPA official before disposing of any of the records.

5. Audits

- a. Superfund cost documentation information must be available for audit or verification upon request of authorized auditing agencies.
- b. If an audit determines that any direct or indirect cost charged to EPA is unallowable, EPA will be notified immediately following the resolution of the audit.

6. Financial Closeout

Within six months after completion of oversight activities, the USACE will send a letter to USEPA Region II Project Officer stating that the project is complete and give the total amount of funds utilized and the amount of excess funds to be revoked, if any, in accordance with USACE Engineering Regulation No. 37-5-3.

7. Minority Business Utilization

In accordance with Public Law 102-389, EPA's policy requires, to the fullest extent possible, that at least 8% of its overall Federal funding for prime and subcontracts awarded in support of authorized programs be awarded to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals, including historically Black colleges and universities and women.

Consistent with this policy, the USACE agrees, in awarding contracts under this IAG, to comply with the utilization requirements for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) set forth in the Small Business Act, 15 U.S.C. 631 et seq and the annual Small Business goals negotiated with the Small Business Administration (SBA).

The USACE agrees to submit a report to EPA showing the total amount of procurement dollars awarded and the amount and percentage of such funds awarded to MBEs and WBEs on Forms 6005-3 and 6005-3a by December 15th of the current year. Reports should be submitted to:

Office of Small and Disadvantaged Business Utilization
U.S. Environmental Protection Agency
633 3rd Street, N.W. (Mail Code: 1230N)
Room 8100
Washington, D.C. 20001